

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE  
56/S Lodge Farm Rd., 365 ft. W of North Point Road  
"St. Luke's Church & Apartments" 19th Election District  
7th Councilmanic District  
Roman Catholic Archbishop of Baltimore, Legal Owner  
Associated Catholic Charities Inc., Contract Purchaser  
Petitioner

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
CASE # 92-80-XA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception and a Petition for Zoning Variance. The Petitions are filed by the Legal Owner of the property, the Roman Catholic Archbishop of Baltimore, a corporation sole, and the Contract Purchaser, The Associated Catholic Charities, Inc.

The subject site is approximately 14.31 acres in area and is zoned D.R.5.5. It is located near the Edgemere and Waterview Communities of Baltimore County and is adjacent to the intersection of Lodge Farm and North Point Roads. The site is divided into four identifiable lots, numbered 1 through 4, as depicted on Petitioner's Exhibit No. 1 "A", the site plan of the subject locale. As is shown on the plan and was testified to at the hearing, lot No. 2 is presently improved with the existing St. Luke's Church building, Rectory, and parking to support those structures. Lot No. 4 is presently unimproved, as is lot No. 3, except for the existing Convent. Except as it relates to one of the requested variances, lot No. 3 is unaffected by the Petitioner's plans and is not germane to the case. Lot No. 4 is also unaffected. On lot No. 1 which, itself, is approximately 6 acres in size, the Petitioner proposes to construct a four story housing

unit for the elderly. The Petitioner argued that lots Nos. 1 and 2 comprise the institutional site which will support the proposal.

In order to proceed with their plans, the Petitioner seeks a number of special exceptions and variances. Specifically, the Petitioner requests a special exception pursuant to Section 1801.1.B.1.b.2 to allow a maximum building width or length of 230 ft., in lieu of the allowed 180 ft.; pursuant to Section 432.3 to increase the allowed density of 5.5 units per acre to 15.61 units per acre; pursuant to Section 402.1.B to allow accessory uses in an elderly housing project (e.g., medical office and beauty salon); pursuant to Section 1801.1.B.1.b.1 to allow a building height of 45 ft. in lieu of the maximum permitted 35 ft.; and pursuant to Section 432.4 to allow modifications to the R.T.A. restrictions to the maximum extent possible, all as shown on the Petitioner's plat.

As to the requested variances, they are likewise numerous. They include requested variances from Section 1802.2.B of the BCZR and V.B.2 (CMDF) to allow a rear yard setback of 15 ft. in lieu of the required 30 ft.; Section 432.B (if required by the Zoning Commissioner) to allow a waiver of maximum density, building height standards and R.T.A. restrictions on less than a 10 acre site; Section 409.6 to allow 70 parking spaces in lieu of the required 84; Section 409.4 to permit vehicular travelway with direct access to off-street parking; Section 1801.2.C (Lot 3) and 1801.2.B (BCZR) V.B.2 (CMDF) (Lot 2), to allow a 0 ft. side yard setback in lieu of the required 20 ft.; and from Section 413.1.A to allow a sign with a total area of 96 sq. ft. (48 sq. ft. each side) in lieu of the allowed 1 sq. ft.

The Petitioner, by their attorney, Robert Hoffman, Esquire, appeared and testified at the hearing. Appearing from the Contract Purchaser's

office, Associated Catholic Charities, Inc., was Dale R. McArdle and Polly Duke. Also appearing and testifying on behalf of the Petition was Anthony J. Cortea, the Engineer who prepared the plat and Mickey Cornelius, a Traffic Expert. There were no Protestants. The case file reflects a memorandum from Frank W. Welsh, Director of Baltimore County's Department of Community Development evidencing that department's support for this project.

Proffered testimony by Mr. Hoffman and Mr. Cortea disclosed that the project has previously been approved by the County Review Group and that said approved plan is consistent with the Petitioner's Exhibit No. 1 "A". The Petitioner desires to construct 125 dwelling units to address an overwhelming need for an elderly housing facility in the subject locale. As indicated above, Mr. Hoffman argued that lots Nos. 1 and 2, when combined, constitute an institutional site of greater than 10 acres due to the existence of St. Luke's Church at this location.

Further testimony was presented that the location is an ideal site for the proposed facility. Specifically, the site is located near shopping, fire and medical facilities. Also, transportation and other supporting facilities are nearby. The Petitioner projects that the typical resident will have an income of not greater than \$14,200.00 annually and that there are few other facilities in this region of the County available for those elderly within that economic status.

As to this specific site, it was also noted that same is ideally suited for the proposed use. As was noted above, the tract, in of itself, is in excess of 10 acres. Further, there is a great deal of natural buffer and landscaping, particularly adjacent to Lodge Farm Road, which would lessen the impact upon the surrounding locale.

A special exception for elderly housing may be granted by the Zoning Commissioner, pursuant to the provisions of Sections 502.1 and 432 of the B.C.Z.R. In order for same to be approved, the Petitioner has the burden of adducing testimony and evidence to demonstrate that the proposed use meets the prescribed standards and requirements of those sections.

As to Section 502.1, Mr. Cortea's testimony was unopposed and persuasive. It is apparent that the proposed use will not be detrimental to the locality involved and will, therefore, comply with provisions A thru H of Section 502.1.

As to Section 432, Mr. Cortea's testimony was again persuasive. Further, the request for an increase in permitted density from 5.5 units per acre to 15.61 acres, pursuant to Section 432.3 is also warranted. It is clear that the subject property is suitable for the proposed development, that the balance of the tract outside of the building envelope is to be used for uses as permitted by right, and that the project will not be detrimental to the peaceful enjoyment, economic value and development of the surrounding properties in the general neighborhood; all as required in Section 432.3.C of the B.C.Z.R.

Turning to the requested variances, Mr. Cortea's testimony and Mr. Hoffman's proffer indicated that the site in and of itself provided certain constraints which affected the proposed plan. Specifically, the Petitioner must work around a utility easement which transects the property and they also desire to retain much of the landscaping and buffer which naturally exist. In view of these concerns, the Petitioner argues that the proposed improvements must be constructed as shown on the plat.

Further, as to the parking spaces, Mr. Cortea noted that many of the elderly residents will not own vehicles and that the parking as shown on

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for (See Attached)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Legal Owner(s): Most Reverend William H. Keeler, Roman Catholic Archbishop of Baltimore, a Corporation sole

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Associated Catholic Charities, Inc. (Type or Print Name)

Signature: *William H. Keeler*  
320 Cathedral Street  
Address  
Baltimore, MD 21201  
City and State

Signature: *Harold A. Smith*  
Harold A. Smith  
(Type or Print Name)  
Signature: *Harold A. Smith, Esq., Dir.*

Attorney for Petitioner: John B. Howard, Esquire  
(Type or Print Name)  
Signature: *John B. Howard*  
210 Allegheny Avenue  
Address  
Towson, MD 21204  
City and State

320 Cathedral Street  
Address  
Baltimore, MD 21201  
City and State  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
John B. Howard, Esquire  
210 Allegheny Avenue  
Towson, MD 21204  
Phone No.

Attorney's Telephone No: 823-4111

823-4111  
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

Zoning Commissioner of Baltimore County.

ORDER RECEIVED FOR FILING  
Date \_\_\_\_\_  
By \_\_\_\_\_

the plat will be sufficient to comfortably accommodate the number of vehicles expected. He further testified as to the needs for the variances pertaining to the vehicular travelway with direct access to off-street parking and the need for the increased area of the proposed sign. It is to be particularly noted that the proposed sign must be larger than permissible, under the regulations, in order to insure that emergency medical vehicles have easy and immediate access to the subject site, particularly in view of the existing landscaping which is to be retained.

A variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for a variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result

if the variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 30<sup>th</sup> day of Oct. 1991 that, pursuant to a Petition for Special Exception, approval to use the subject property under Section 1801.1.B.1.b.2 to allow a maximum building width or length of 230 ft. in lieu of the allowed 180 ft., is hereby GRANTED; and,

IT IS FURTHER ORDERED that, pursuant to Section 432.3 to increase the allowed density of 5.5 units per acre to 15.61 units per acre, is hereby GRANTED; and,

IT IS FURTHER ORDERED that, pursuant to Section 432.1.B to allow accessory uses in an elderly housing project (e.g., medical office and beauty salon), is hereby GRANTED; and,

IT IS FURTHER ORDERED that, pursuant to Section 1801.1.B.1.b.1 to allow a building height of 45 ft. in lieu of the maximum permitted 35 ft., is hereby GRANTED; and,

IT IS FURTHER ORDERED that, pursuant to Section 432.4 to allow modifications to the R.T.A. restrictions to the maximum extent possible, as shown on the Petitioner's plat, is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1802.2.B of the BCZR and V.B.2 (CMDF) to allow a rear yard setback of 15 ft. in lieu of the required 30 ft., is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 432.B to allow a waiver of maximum density, building height standards and R.T.A. restrictions on less than a 10 acre site, is hereby GRANTED; and,

Section 409.6 to allow 70 parking spaces in lieu of the required 84, is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.4 to permit vehicular travelway with direct access to off-street parking, is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1801.2.C (Lot 3) and 1801.2.B (BCZR) V.B.2 (CMDF) (Lot 2), to allow a 0 ft. side yard setback in lieu of the required 20 ft., is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 413.1.A to allow a sign with a total area of 96 sq. ft. (48 sq. ft. each side) in lieu of the allowed 1 sq. ft., is hereby GRANTED, in accordance with Petitioner's Exhibit No. 1 subject, however, to the following restrictions which are conditions precedent to the foregoing relief:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner us hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

*Lawrence E. Schmidt*  
LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

ORDER RECEIVED FOR FILING  
Date \_\_\_\_\_  
By \_\_\_\_\_

## SPECIAL EXCEPTIONS:

- PER SECTION 1801.1.B.1.D.2 TO ALLOW A MAXIMUM BUILDING WIDTH OR LENGTH OF 230 FEET IN LIEU OF THE ALLOWED 130 FEET.
- PER SECTION 432.3 TO INCREASE THE ALLOWED DENSITY OF 5.5 UNITS PER ACRE TO 15.61 UNITS PER ACRE.
- PER SECTION 432.1.B TO ALLOW ACCESSORY USES IN ELDERLY HOUSING (MEDICAL OFFICE AND BEAUTY SALON).
- PER SECTION 1801.1.B.1.D.1 TO ALLOW A BUILDING HEIGHT OF 45 FEET IN LIEU OF THE MAXIMUM PERMITTED 35 FEET.
- PER SECTION 432.4 TO ALLOW MODIFICATIONS TO THE R.T.A. RESTRICTIONS TO THE MAXIMUM EXTENT POSSIBLE AS SHOWN.

CHRT0069.FJC

**STV/LYON ASSOCIATES**  
 ENGINEERS ARCHITECTS PLANNERS  
 21 GOVERNOR'S COURT  
 BALTIMORE, MD 21207-2722  
 301.944.9112 FAX 301.296.2744  
 Telex 87-0461

 ZONING DESCRIPTION FOR "VARIANCE"  
 PROPOSED ST. LUKE'S PLACE APARTMENTS  
 SOUTHEAST SIDE OF LODGE FARM ROAD  
 ELECTION DISTRICT NO. 15  
 BALTIMORE COUNTY, MARYLAND.

BEGINNING FOR THE SAME at a point along the southeasterly side of Lodge Farm Road (as widened to 60 feet), distant South 44°02'39" West 365 feet from the centerline of the existing pavement of North Point Road, thence leaving said Lodge Farm Road and running,

- South 45°57'21" East 200.00 feet to a point, thence,
- North 44°02'39" East 32.08 feet to a point, thence,
- South 22°36'36" East 63.23 feet to a point, thence,
- North 67°23'24" East 200.18 feet to a point along the southwesterly side of North Point Road (40 feet wide), thence along same,
- South 22°36'36" East 90.00 feet to a point, thence leaving North Point Road, and continuing,
- South 67°23'24" West 150.00 feet to a point, thence,
- South 22°36'36" East 350.28 feet to a point, thence by a curve to the left having,
- A radius of 633.64 feet, an arc length of 527.08 feet, said curve being subtended by a chord bearing South 41°56'11" West 512.01 feet to a point, thence,
- South 18°08'40" West 78.42 feet to a point, thence,
- North 71°51'20" West 162.94 feet to a point, thence,
- South 14°58'15" West 9.80 feet to a point, thence,
- North 73°33'53" West 210.75 feet to a point, thence by a curve to the right having,
- A radius of 940.00 feet, an arc length of 1.40 feet, said curve being subtended by a chord bearing North 17°12'34" East 1.40 feet to a point, thence,
- North 73°29'01" West 165.00 feet to a point, thence,
- North 22°07'30" East 26.93 feet to a point, thence,

 STV ENGINEERS, Engineers Architects Planners Scientists, P.C. STV Architects STV Environmental  
 STV/Lyon Associates, STV/H/D Nottingham, STV/Sanders & Thomas, STV/Seelye Stevenson Value & Knecht

## STV/LYON ASSOCIATES.

 ZONING DESCRIPTION FOR "VARIANCE"  
 PROPOSED ST. LUKE'S PLACE APARTMENTS

Page 2

- North 82°37'24" East 147.23 feet to a point, to intersect the aforementioned southeasterly side of Lodge Farm Road, thence along same the two following courses and distances: by a curve to the right having,
- A radius of 665.00 feet, an arc length of 425.58 feet, said curve being subtended by a chord bearing North 25°42'38" East 418.35 feet to a point, thence,
- North 44°02'39" East 621.82 feet to the point of beginning.

CONTAINING 589,779.65 square feet, or 13.5395 acres of land, more or less. Gross Site Area = 14.31 acres, more or less (includes one-half of the adjacent public right-of-way).

 STV/LYON ASSOCIATES  
 Mark A. Riddle  
 MD Professional Land Surveyor No. 10899

August 19, 1991


 CERTIFICATE OF POSTING  
 ZONING DEPARTMENT OF BALTIMORE COUNTY  
 Towson, Maryland

 District: \_\_\_\_\_ Date of Posting: \_\_\_\_\_  
 Posted for: \_\_\_\_\_  
 Petitioner: \_\_\_\_\_  
 Location of property: \_\_\_\_\_  
 Location of Sign: \_\_\_\_\_  
 Remarks: \_\_\_\_\_  
 Posted by: \_\_\_\_\_ Date of return: \_\_\_\_\_  
 Number of Signs: \_\_\_\_\_

## CERTIFICATE OF PUBLICATION

TOWSON, MD. 10/26/91

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on 9/26/91.

THE JEFFERSONIAN.

 S. Zake Olson  
 Publisher

\$43.32

## CERTIFICATE OF PUBLICATION

 OFFICE OF  
 Dundalk Eagle

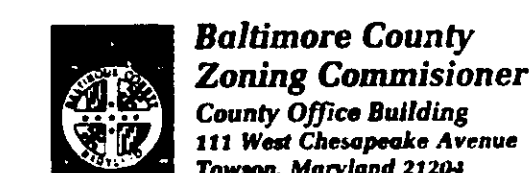
 4 N. Center Place  
 P.O. Box 8936  
 Dundalk, Md. 21222

September 26, 1991

THIS IS TO CERTIFY, that the annexed advertisement of Baltimore County Zoning Office - Notice of Hearing Case #92-80-XA - P.O. #0115205 - Req. #M49703 - 108 lines @ \$54.00 was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for One successive weeks before the 27th day of September 1991; that is to say, the same was inserted in the issues of September 26, 1991.

 Kimbel Publication, Inc.  
 per Publisher.

By \_\_\_\_\_


 Baltimore County  
 Zoning Commissioner  
 County Office Building  
 111 West Chesapeake Avenue  
 Towson, Maryland 21204

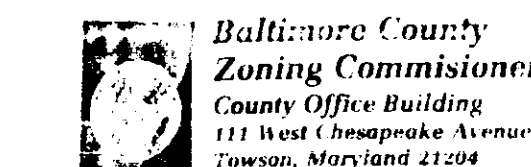
Account: R-001-6150

Date: 8/20/91 COMPUTER DOWN. (INFO IN COMPUTER WANT-PRINT RPT.)

 NON RES. VAR 175.00  
 " " SPX 175.00  
 GUYVER ROMAN ARCHITECTS ASSOCIATES  
 LODGE FARM RD. BALTO. INC.  
 365' W. OF N. PT. RD. (R.C.A. OF BALTO.)  
 NO ADDRESS

Item #84

Please Make Checks Payable To: Baltimore County 2014-02000-23-91 \$350.00


 Baltimore County  
 Zoning Commissioner  
 County Office Building  
 111 West Chesapeake Avenue  
 Towson, Maryland 21204

Account: R-001-6150

Date:

Cashier Validation

Please Make Checks Payable To: Baltimore County

 Baltimore County Government  
 Office of Zoning Administration  
 and Development Management  
 Office of Planning & Zoning

 111 West Chesapeake Avenue  
 Towson, MD 21204

887-4354

COPY

 Associated Catholic Charities, Inc.  
 120 Cathedral Street  
 Baltimore, Maryland 21201

ATTN: HAROLD A. SMITH

Re:

 Case Number: 92-80-XA  
 365' Lodge Farm Road, 365' W of North Point Road  
 "St. Luke's Church and Apartments"  
 15th Election District - 7th Councilmanic  
 Legal Owner: Most Reverend William H. Keller, Roman Catholic Archbishop of Baltimore  
 Contract Purchaser: Associated Catholic Charities, Inc.  
 HEARING: THURSDAY, OCTOBER 17, 1991 at 9:30 a.m.

Dear Petitioner(s):

Please be advised that \$167.32 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE DATING SIGN &amp; POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN &amp; POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 115, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

 J. Robert Howard  
 Zoning Commissioner  
 BALTIMORE COUNTY, MARYLAND

cc: John B. Howard, Esq.

 111 West Chesapeake Avenue  
 Towson, MD 21204

887-4354

SEPTEMBER 13, 1991

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

 Case Number: 92-80-XA  
 365' Lodge Farm Road, 365' W of North Point Road  
 "St. Luke's Church and Apartments"  
 15th Election District - 7th Councilmanic  
 Legal Owner: Most Reverend William H. Keller, Roman Catholic Archbishop of Baltimore  
 Contract Purchaser: Associated Catholic Charities, Inc.  
 HEARING: THURSDAY, OCTOBER 17, 1991 at 9:30 a.m.

 Special Exception to allow a maximum building width or length of 230 feet in lieu of the allowed 130 feet; to increase the allowed density of 5.5 units per acre to 15.61 units per acre; to allow accessory uses in elderly housing (medical office and beauty salon); to allow a building height of 45 feet in lieu of the maximum permitted 35 feet; and to allow modifications to the R.T.A. restrictions to the maximum extent possible.  
 Variance to allow a rear yard setback of 15 feet in lieu of the required 30 feet; if required by the Zoning Commissioner, to allow waiver of maximum density, building height standards and R.T.A. restrictions on less than a 10 acre site; to allow 70 parking spaces in lieu of the required 84; to permit vehicular travelway with direct access to off-street parking; to allow a zero foot side yard setback in lieu of the required 20 feet; and to allow a sign with a total area of 96 square feet (48 square feet each side) in lieu of the allowed one square foot.

 J. Robert Howard  
 Zoning Commissioner of  
 Baltimore County
cc: Associated Catholic Charities, Inc.  
John B. Howard, Esq.
 Baltimore County Government  
 Office of Zoning Administration  
 & Development Management  
 Office of Planning & Zoning  
 111 West Chesapeake Avenue  
 Towson, MD 21204  
 887-3353

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The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

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J. ROBERT HOWARD  
Zoning Commissioner of Baltimore County
 Baltimore County  
 Zoning Commissioner  
 County Office Building  
 111 West Chesapeake Avenue  
 Towson, Maryland 21204

Account: R-001-6150

Number

 PAID PER HAND-WRITTEN  
 RECEIPT DATED 8/20/91

PUBLIC HEARING FEES	QTY	PRICE
020 - ZONING VARIANCE (OTHER)	1 X	\$175.00
050 - SPECIAL EXCEPTION	1 X	\$175.00
TOTAL:		\$350.00

LAST NAME OF OWNER: R.C.A. OF BALT

Please Make Checks Payable To: Baltimore County

Validation

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

October 29, 1991

Robert Hoffman, Esquire  
Venable, Baetjer and Howard  
210 Allegheny Avenue  
Towson, Maryland 21204

RE: Petitions for Special Exception and Zoning Variance  
Case No. 92-80-XA  
Most Rev. William H. Keeler, etc., Legal Owner  
Associated Catholic Charities, Inc., Contract Purchaser,  
Petitioner

Dear Mr. Hoffman:

Enclosed please find the decision rendered on the above captioned case. The Petitions for Special Exception and Zoning Variance have been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

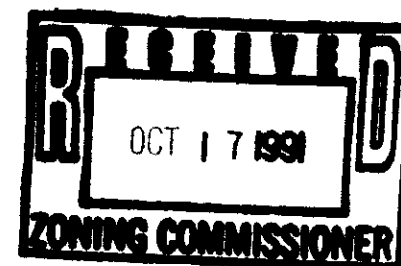
Very truly yours,  
*Lawrence E. Schmidt*  
Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn  
att.  
cc: Peoples Counsel  
cc: Dale McArdle  
cc: Polly Duke  
cc: Anthony J. Cortez  
cc: M. Cornelius

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

To: Lawrence Schmidt  
Zoning Commissioner  
From: Frank W. Welsh, Director  
Department of Community Development  
Date: October 16, 1991  
RE: St. Luke's Apartments  
Case # 92-80-XA



It is my understanding that the Associated Catholic Charities has applied for a Special Exception for St. Luke's Apartments to increase the allowable size of the building, increase the proposed density and to modify the R.T.A. restrictions. They have also applied for a variance of setbacks, reduction of required number of parking spaces and the size of their sign. The property is located on Lodge Farm Road in Edgemere and would house over 125 elderly residents.

There is a great need for affordable housing for the elderly in the County, especially in Edgemere. According to the 1980 Census, over 11 percent of the residents in Edgemere were elderly. It has been estimated that this number will increase to over 14 percent in the 1990 Census. Many of these residents are on fixed incomes and unable to afford market rate rents. This development will use Federal Section 202 funding which will enable the units to be affordable to residents with income of 50 percent of the area median or less.

Associated Catholic Charities is experienced in developing affordable elderly housing. They have nearly completed an affordable housing development for the elderly in Lansdowne, called Courcay Station Apartments. They have also developed and manage several similar developments in Baltimore City. I have every confidence they will competently develop and manage St. Luke's Apartments.

Since it is a goal of this department to ensure all residents have an appropriate place to live, I would offer this department's support of Associated Catholic Charities' Special Exception and variance requests. I would appreciate you giving every consideration to the need for affordable elderly housing in Baltimore County when making your final decision.

*Frank W. Welsh*  
Frank W. Welsh, Director

FWW:TLH

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: October 8, 1991

TO: Mr. Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management  
FROM: Rahee J. Famili  
SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: September 3, 1991

ITEM NUMBER: 84

Please see the C.R.G. comments for this site.

*Rahee J. Famili*  
Rahee J. Famili  
Traffic Engineer II

RFJ/lvd

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE  
October 7, 1991

TO: ZONING COMMISSIONER, DEPARTMENT ZONING  
FROM: RICHARD F. SEIM, PLANS REVIEW CHIEF,  
DEPARTMENT OF PERMITS & LICENSES  
SUBJECT: ZONING ITEM #: 84  
PROPERTY OWNER: Most Reverend Wm. H. Keeler, Roman  
Catholic Archbishop of Baltimore, a Corporation sole  
LOCATION: Contract Purchaser: Assoc. Catholic Charities, Inc.  
SE/S Lodge Farm Rd, 365' W of North Pt. Rd  
ELECTION DISTRICT: 15th (no address)  
COUNCILMANIC DISTRICT: 7th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- ( ) PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.02.02, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- ( ) PARKING LOCATION ( ) RAMPS (degree slope)  
( ) NUMBER PARKING SPACES ( ) CURB CUTS  
( ) BUILDING ACCESS ( ) SIGNAGE
- (X) PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
- (X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.
- ( ) A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
- (X) STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 517.0 COUNCIL BILL #192-90 (BALTIMORE COUNTY BUILDING CODE).
- ( ) OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1990 NATIONAL BUILDING CODES AS ADOPTED BY COUNTY COUNCIL BILL #192-90 EFFECTIVE 1/13/91

BALTIMORE COUNTY, MARYLAND

92-80-XA

SUBJECT: COUNTY REVIEW GROUP COMMENTS

CRG DATE: 9/12/91  
(Continued from 6/20/91)  
PRE-CRG DATE: 9/3/91

FROM: ZONING OFFICE

PROJECT NAME: St. Luke's Apartments  
(Section 202/8 Housing for the Elderly)

PLAN: 9/3/91

REV.: 9/5/91

REV.:

LOCATION: E/S Lodge Farm Road,  
S North Point Road and  
opposite Pope's Lane

REVISED PLAN KEY:

- (X) COMPLIANCE WITH COMMENT CHECKED  
(O) NON-COMPLIANCE IS CIRCLED  
(BA) BE ADVISED (NOT NECESSARY FOR CRG APPROVAL, BUT MUST BE ADDRESSED PRIOR TO FINAL ZONING APPROVAL)  
ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

DISTRICT: 15c7  
PROPOSAL: Class "A" Elderly Housing  
125 Units

The zoning hearing and revised C.R.G. plans have been reviewed by this office for general compliance with the Baltimore County Zoning Regulations. The following comments identify details necessary in order to determine compliance with these requirements. When these standard and nonstandard details and information are available or provided, it shall be the responsibility of the owner, developer or developer's engineer to rectify all conflicts (whether previously identified or not) well in advance of any expected final zoning approvals. The intent of the developer must be clear on the C.R.G. plan and any zoning requirements, restrictions and details must be addressed on the C.R.G. plan. When the public hearing was requested, the assistance received at the time of filing the zoning petition and the following zoning staff comments, although they relate to the property, are not to be construed as definitive nor do they indicate the appropriateness of the current and any possible future public hearing requests:

1. ZONING HEARINGS -- On 8/20/91, under Item #84, application was made in the Zoning Office for the following public hearing requests, which must be itemized on the C.R.G. plan under reference:

A. Special Exceptions:

1. Per Section 1801.1.B.1.b.2 to allow a maximum building width or length of 230 feet in lieu of the allowed 130 feet.
2. Per Section 432.3 to increase the allowed density of 5.5 units per acre to 15.61 units per acre.
3. Per Section 432.1.B to allow accessory uses in elderly housing (medical office and beauty salon).

(Over)

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW

BALTIMORE, MD  
WASHINGTON, D. C.  
ALEXANDRIA, VA  
ROCKVILLE, MD  
BEL AIR, MD

210 ALLEGHENY AVENUE  
P.O. BOX 5517  
TOWSON, MARYLAND 21285-5517  
(301) 823-4111  
FAX (301) 821-0147

August 12, 1991

WRITER'S DIRECT NUMBER IS  
494-9162

ROBERT A. HOFFMAN

Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Associated Catholic Charities  
Development of Elderly Housing at St. Luke's Church Site  
Edgemere, Baltimore County

Dear Arnold:

I am writing to request an expedited review and filing appointment, and upon filing of an application for Special Exception and Variances in the referenced matter, an expedited hearing date.

I enclose for your consideration a letter from Dale McArdle, Director of Housing Services for the Associated Catholic Charities, delineating the real hardship and risk to the project if the expedited filing and hearing dates are not obtained.

Please let me know at your earliest convenience your decision in this matter.

Yours truly,

*Robert A. Hoffman*  
Robert A. Hoffman

RAH/tls  
Enclosure  
cc: Dale R. McArdle

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW

BALTIMORE, MD  
WASHINGTON, D. C.  
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210 ALLEGHENY AVENUE  
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TOWSON, MARYLAND 21285-5517  
(301) 823-4111  
FAX (301) 821-0147

November 6, 1991

WRITER'S DIRECT NUMBER IS  
494-9162

Lawrence E. Schmidt  
Zoning Commissioner  
for Baltimore County  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Case No.: 92-80-XA  
Reverend William H. Keeler, et al., Legal Owner  
Associated Catholic Charities, Inc., Contract Purchaser  
Petitioners

Dear Mr. Schmidt:

I have reviewed the Order in the referenced case. In recounting Mr. Cortez's testimony at page 4, you wrote that the "balance of the tract outside of the building envelope is to be used for uses as permitted by right. . . ." Mr. Cortez was, of course, referring to Section 432.3.C of the Baltimore County Zoning Regulations which imposes such a restriction where an increase in density is sought.

I interpret this language to mean that only the area on Lot 1 outside the building envelope for the elderly housing facility is so restricted.

If you concur with my reading, I would appreciate you indicating so by signing below. Otherwise, if you have questions or comments please do not hesitate to contact me.

Yours truly,

*Robert A. Hoffman*  
Robert A. Hoffman

*Lawrence E. Schmidt*  
Lawrence E. Schmidt  
Zoning Commissioner

RAH/dok

Date

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Rob Hoffman	26 Allegheny Ave 09
Dale R. McArdle	320 Cathedral St 21201
Polly Duke	"
James Anthony J. Cortez	21 Overwies Ct 21201
Mickey Cornelius	40 W. Chesapeake 04

August 7, 1991

Mr. Robert A. Hoffman  
Venable, Baetjer and Howard  
210 Allegheny Ave.  
P.O. Box 5517  
Towson, Md 21285-5517

Dear Rob:

As I indicated to you today in our telephone conversation it is imperative that we request an expedited zoning hearing for the St. Luke's Project. The reasons are primarily due to issues related to the timing of the HUD financing; we are using to develop this project.

St. Luke's is financed under the federal 202/8 program. Under this program HUD provides direct financing to the project. In order to provide developers an incentive to expedite the process, HUD will underwrite projects using a preferred interest rate. Typically this rate is between one and two points below the rate that would be normally be charged. In order to keep the rate, the developer must go to initial endorsement within eighteen months of the notification of the award.

If we lose the preferred rate the entire project will have to be reunderwritten. We will need to seek literally hundreds of thousands of dollars in additional financing from other sources. If we are unable to locate these funds a desperately needed project may become seriously compromised.

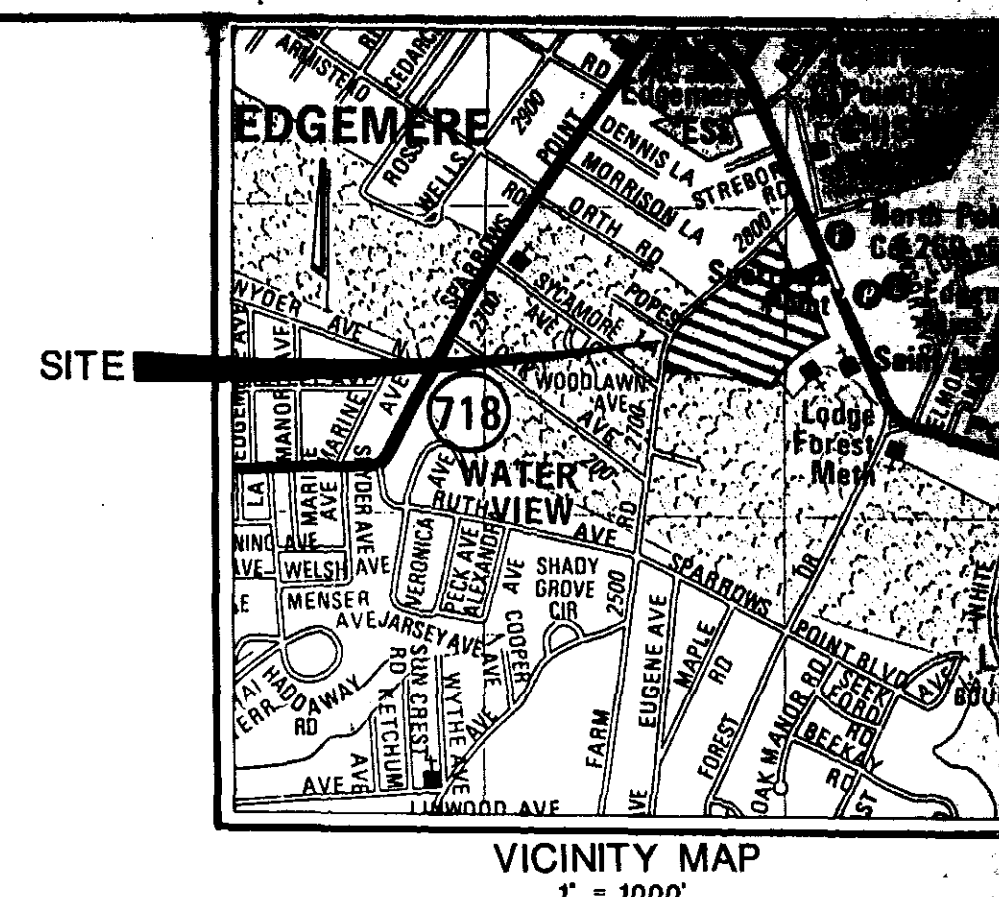
A critical closing document is always the building permit. HUD will not schedule a closing until the building permit is in hand. We have found that the Baltimore County permit process may take as long as six months. Since we received our award in September of 1990, we must close the loan no later than March 31, 1992. If we are to keep to this schedule we need to apply for the building permit by October, 1991. Therefore, it is critical that all CRG and zoning issues be resolved prior to that time.

There is a real and substantial reason to request an expedited hearing. If you need any further information, please do hesitate to call.

Very truly yours,

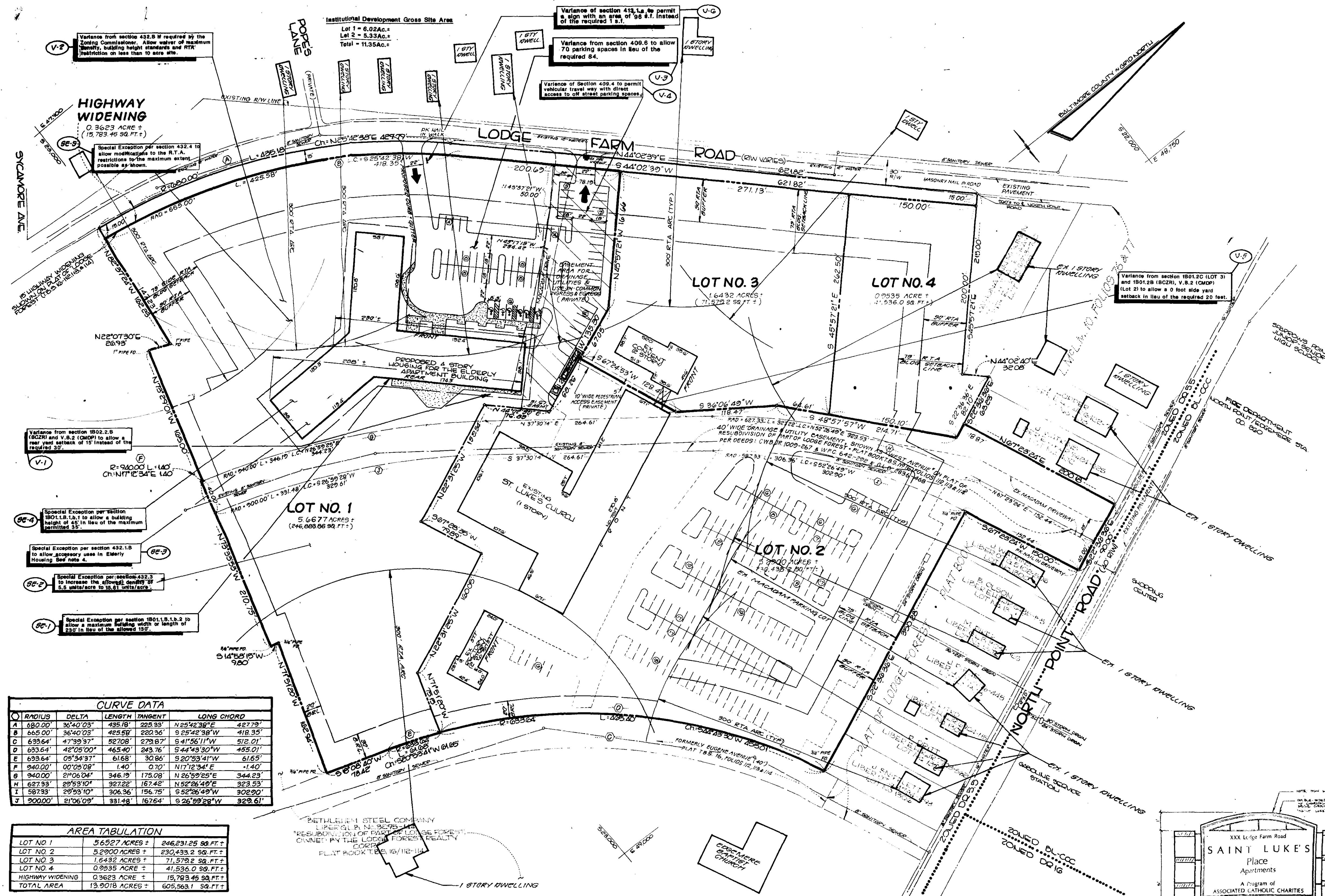
*Dale R. McArdle*  
Dale R. McArdle  
Director of Housing Services





- GENERAL NOTES:**
- GROSS SITE AREA = 609,563.1 SQ. FT. ±, 14.31 AC. ±  
NET SITE AREA = 499,779.50 SQ. FT. ±, 13,539.5 AC. ±
  - EXISTING ZONING = ON 5.5  
PROPOSED ZONING = NO CHANGE
  - PROPOSED USE: ELDERLY HOUSING CLASS A WITH ACCESSORY MEDICAL OFFICE AND BEAUTY SALON USES.
  - PARKING REQUIREMENTS  
(LOT 1):  
ELDERLY HOUSING = 1 SPACE PER 1.5 UNITS  
TOTAL SPACES REQUIRED = 84  
EXISTING RECTORY = 2 SPACES  
EXISTING CONVENT = 2 SPACES  
TOTAL SPACES PROVIDED = 117 SPACES  
TOTAL SPACES PROVIDED = 148 SPACES  
(LOT 2):  
CHURCH = 1 SPACE PER 4 SEATS = MAX. OF 450 SEATS  
EXISTING RECTORY = 2 SPACES  
EXISTING CONVENT = 2 SPACES  
TOTAL SPACES PROVIDED = 117 SPACES  
(LOT 3 AND LOT 4):  
NOTE: CONVENT PARKING PROVIDED ON LOT 2.  
FUTURE DEVELOPMENT:  
NO PARKING PROPOSED AT THIS TIME.
  - NO STREAMS EXIST ON OR WITHIN 50' OF THE PROPERTY.
  - PAVING: ASPHALT. ALL PARKING SPACES WILL BE PERMANENTLY STRIPED AND LOTTING WILL BE REFLECTED FROM ALL ADJACENT PROPERTIES.
  - THERE IS NO ZONING HISTORY ON RECORD FOR THIS SITE.
  - FLOOR AREA RATIO CALCULATIONS:  
LOT 1 GROSS SITE AREA: 4.46 AC. ±  
BUILDING AREA: 0.58 AC. ±  
RATIO: 0.13  
LOT 2 GROSS SITE AREA: 5.33 AC. ±  
BUILDING AREA: 0.72 AC. ±  
RATIO: 0.13  
LOT 3 GROSS SITE AREA: 1.87 AC. ±  
BUILDING AREA: 0.08 AC. ±  
RATIO: 0.08  
LOT 4 GROSS SITE AREA: 1.06 AC. ±  
NO BUILDING  
RATIO: 0.00
  - PARKING SPACES SIZE: 8' x 12' x 18'
  - DENSITY CALCULATIONS:  
GROSS SITE AREA OF TRACT = 14.31 AC. ±  
GROSS SITE AREA LOT 1 ONLY = 6.02 AC. ±  
DENSITY PROPOSED:  
LOT 1 - 99 ONE BEDROOM UNITS = 99 ONE BEDROOM UNITS  
LOT 2 - 1.5 DENSITY UNITS  
LOT 3 - (FUTURE DEVELOPMENT)  
LOT 4 - (FUTURE DEVELOPMENT)  
TOTAL PROPOSED DENSITY UNITS = 99 (LOT 1 ONLY)  
PROPOSED DENSITY LOT 1 = 99 x 6.02 = 16.41
  - BUILDING SETBACKS  
IN FEET:  
FRONT - 75 FEET  
REAR - 150 FEET  
OUT OF STAL - 40 FEET  
SIDE - 20 FEET  
REAR - 20 FEET
  - AREA OF SPECIAL EXCEPTION FOR THIS PETITION INCLUDES LOTS 1 AND 2. LOTS 3 AND 4 ARE NOT PART OF THE SPECIAL EXCEPTION OR VARIANCE REQUEST.
  - ALL OFF-SITE DWELLINGS AND SMALL LOTS OF RECORD (LESS THAN 2 ACRES) THAT CREATE AN R.T.A. ON SITE ARE SHOWN WITH THE REQUIRED 300' AND 250' AREAS.

- VARIANCES:**
- FROM SECTION 1802.1.B (BC29) AND V.B.2 (CMP) TO ALLOW A REAR YARD SETBACK OF 15 FEET IN LIEU OF THE REQUIRED 30 FEET.
  - FROM SECTION 432.1.B AS DETERMINED BY THE ZONING COMMISSIONER TO ALLOW MAXIMUM DENSITY, BUILDING HEIGHT STANDARDS AND R.T.A. RESTRICTIONS ON LESS THAN A 10 ACRE SITE.
  - FROM SECTION 409.6 TO ALLOW TO PARKING SPACES IN LIEU OF THE REQUIRED 84.
  - FROM SECTION 409.4 TO PERMIT VEHICULAR TRAVEL WAY WITH DIRECT ACCESS TO OFF-STREET PARKING.
  - FROM SECTION 1801.2C (LOT 3) AND 1801.2D (BC29), V.B.2 (CMP) (LOT 2), TO ALLOW A 0 FOOT SIDE YARD SETBACK IN LIEU OF THE REQUIRED 20 FEET.
  - FROM SECTION 413.1.A TO ALLOW A SIGN WITH A TOTAL AREA OF 96 SQUARE FEET (48 SQUARE FEET EACH SIDE) IN LIEU OF THE ALLOWED 1 SQUARE FOOT.
- SPECIAL EXCEPTIONS:**
- PER SECTION 1801.1.B.1.B.2 TO ALLOW A MAXIMUM BUILDING WIDTH OF 230 FEET IN LIEU OF THE ALLOWED 130 FEET.
  - PER SECTION 432.3 TO INCREASE THE ALLOWED DENSITY OF 5.5 UNITS PER ACRE TO 15.41 UNITS PER ACRE.
  - PER SECTION 432.1B TO ALLOW ACCESSORY USES IN ELDERLY HOUSING (MEDICAL OFFICE AND BEAUTY SALON).
  - PER SECTION 1801.1.B.1.B.3 TO ALLOW A BUILDING HEIGHT OF 45 FEET IN LIEU OF THE MAXIMUM PERMITTED 35 FEET.
  - PER SECTION 432.4 TO ALLOW MODIFICATIONS TO THE R.T.A. RESTRICTIONS TO THE MAXIMUM EXTENT POSSIBLE AS SHOWN.

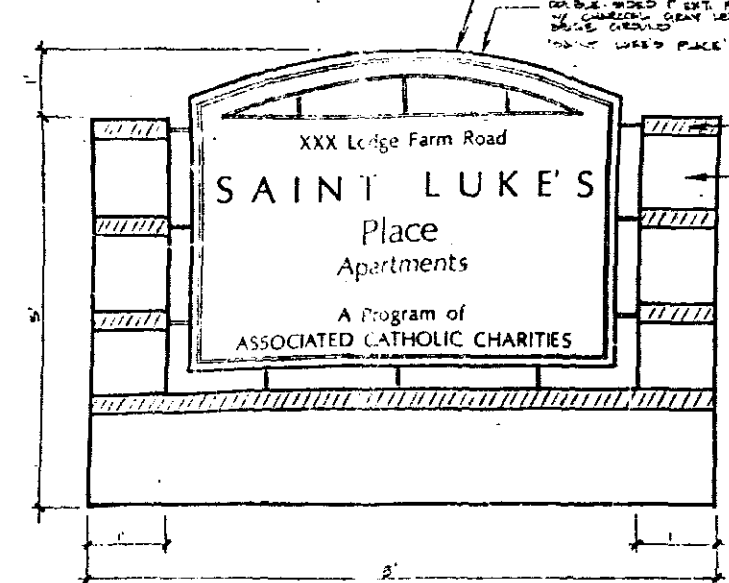
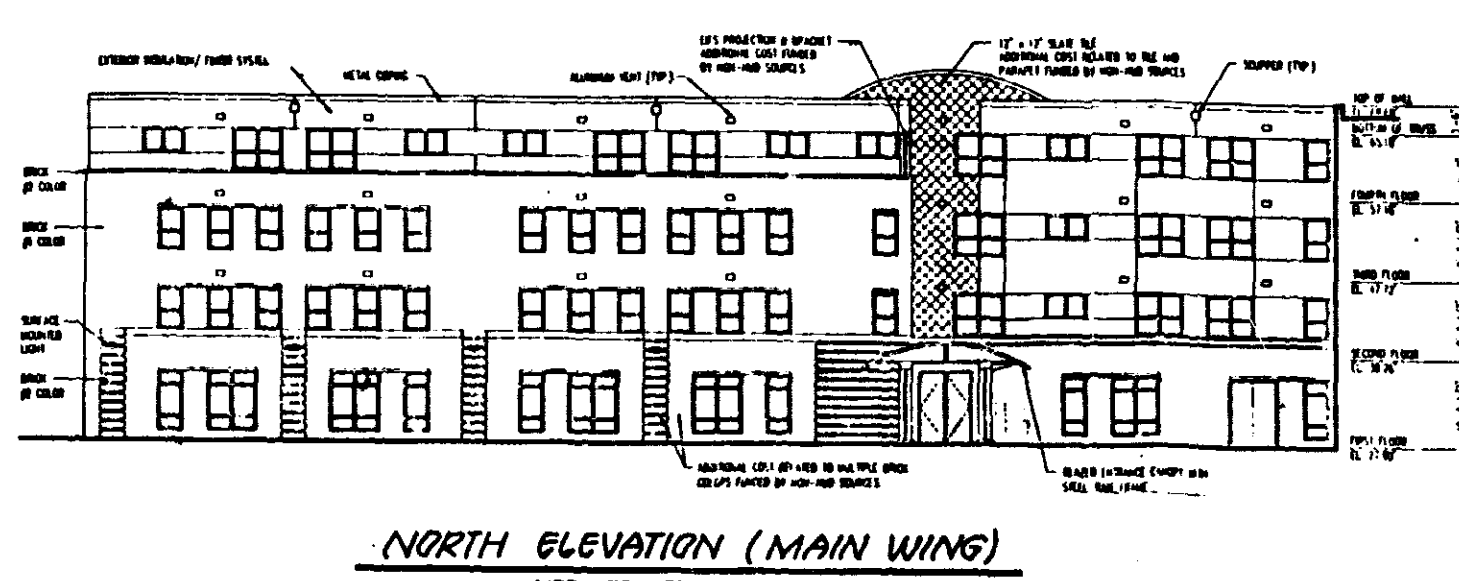


**CURVE DATA**

POINT	RADIUS	DELTA	LENGTH	TANGENT	LONG CHORD
A	680.00'	30°40'03"	435.18'	228.33'	N25°42'38"E 427.79'
B	665.00'	36°40'03"	425.59'	222.36'	S25°42'38"W 418.35'
C	639.64'	47°39'37"	82.08'	279.87'	S41°56'11"W 512.01'
D	633.64'	42°05'00"	465.40'	243.76'	S44°43'30"W 455.01'
E	633.64'	08°34'37"	61.68'	30.86'	S20°53'41"W 61.65'
F	940.00'	00°02'08"	1.40'	0.70'	N17°12'34"E 1.40'
G	940.00'	0°02'04"	345.19'	175.02'	N12°59'25"E 344.23'
H	627.93'	29°53'10"	327.22'	167.48'	N52°26'49"E 323.53'
I	587.93'	29°53'10"	306.36'	156.75'	S52°26'49"W 302.90'
J	2000.00'	21°06'09"	331.48'	167.64'	S26°59'28"W 323.61'

**AREA TABULATION**

LOT NO.	AREA (ACRES)	AREA (SQ. FT.)
LOT NO. 1	5.6527 ACRES ±	246,231.25 SQ. FT. ±
LOT NO. 2	5.2300 ACRES ±	230,433.2 SQ. FT. ±
LOT NO. 3	1.6432 ACRES ±	71,579.2 SQ. FT. ±
LOT NO. 4	0.9935 ACRES ±	41,536.0 SQ. FT. ±
HIGHWAY WIDENING	0.3623 ACRES ±	15,783.45 SQ. FT. ±
TOTAL AREA	13.9018 ACRES ±	609,563.1 SQ. FT. ±



*Donald A. Smith*

**92-80-XA**

<b>STV / LYON ASSOCIATES</b> Engineers Surveyors Planners 21 Governor's Court Baltimore, Maryland 21207 Telephone : 301-944-9112	<b>REVISIONS</b> NO DATE DESCRIPTION 1 7/10/81 REVISED LAYOUT 2 8/14 PER PRE SUBMITTAL MEETING 3 8/10 FOR FILING	<b>PLAN PREPARATION</b> DRAWN BY: TLD DATE: 7/10/81 DESIGNED BY: AKG SCALE: 1" = 50' CHECKED BY: JOB NO. 91-0700	PLAT TO ACCOMPANY ZONING PETITION FOR <b>ST. LUKE'S CHURCH AND APARTMENTS</b> NORTH POINT ROAD & LODGE FARM ROAD 15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND	<b>DRAWING NO. C-1</b> <b>SHEET NO. 1 of 1</b>
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